

DEPARTMENT OF CORRECTIONS



March 30, 1992

Part
2.13

Mr. Rick Robison, Unit Chief
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Surveillance & Enforcement Branch
Region 2
700 Heinz Avenue, Suite 200
Berkeley, California 94710

CAD 070 178 173

REMAINDER OF RESPONSES TO THE REPORT OF VIOLATION

Sir:

Several pages of responses were inadvertently left out of the package sent to you.

Responses to Item 6 through Item 11 are attached for your review.

If you have any questions regarding these responses, please direct them to me at (415) 457-2655.

K.E. Hohmann
A.G.P.A.

cc: Warden
Chief Deputy Warden
Ms. C. Monson, Chief, Health and Safety
D.R. Johns
C.A. Younts
Ms. Lily Wong
USEPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105
HazMat File

6. H&SC, Section 25201(a); Title 22, Cal. Code Regs., Section 66262.34(a).

San Quentin violated H&SC, Section 25201(a) and Title 22, Cal. Code Regs., Section 66262.34(a) in that from on or about May 6, 1991 until September 25, 1991 they stored waste oil in the tank at the vehicle maintenance shop in excess of 90 days without a permit or other grant of authorization from DTSC.

During the inspection of December 13, 1991, records at the vehicle maintenance shop indicated that waste oil had not been picked up from the waste oil tank between May 6, 1991 and September 25, 1991, a total of 142 days.

RESPONSE

This item has been corrected. It should be noted that the usual person to handle the removals was injured by a hit-and-run driver on Nov. 19, 1991, and has not returned to work.

To preclude possible violations of this sort, a tic file has been implemented, to alert the shop supervisor to the approach of date requirement for waste oil removal/recycle. All manifests and/or straight bills of lading are forwarded to the Hazardous Materials Manager for control.

7. Title 22, Cal. Code Regs., Sections 66262.34(a)(3) and 66265.52(d) and (e).

San Quentin violated Title 22, Cal. Code Regs., Section 66265.52(d) and (e) in that on or about December 13, 1991 they did not have a contingency plan that met all of the regulatory requirements.

During the inspection of December 13, 1991, the only document Mr. Hohmann could supply as a contingency plan was the business plan prepared for Marin County. This plan was deficient as a contingency plan in that it did not include the names, addresses and phone numbers of persons qualified to act as emergency coordinator, or a list of the locations and capabilities of emergency equipment.

RESPONSE

San Quentin has an Institution pre-fire plan, an emergency response plan, a mutual aid agreement with local agencies, and a Business Plan with County of Marin, the Office of Environmental Health Services. Attachments # 8, 9 and 10.

A supplement to the Business Plan has been prepared and is attached. It should be noted that the Institution Fire Chief is the primary emergency coordinator, however, he/she is not authorized to contract for cleanups or other services per the State Administrative Manual. If a cleanup or other services must be implemented, the Fire Chief will notify and request the Business Manager to implement a contract for services.

8. Title 22, Cal. Code Regs., Sections 66262.34(a)(3) and 66265.33.

San Quentin violated Title 22, Cal. Code Regs., Section 66265.33 in that on or about December 13, 1991 the eye-wash fountain at the Hazardous Waste Accumulation Building did not have enough water flow to function properly.

During the inspection of December 13, 1991, an attempt was made to actuate the eye-wash fountain at the Hazardous Waste Accumulation building. Only a trickle of water could be obtained.

RESPONSE

This item has been corrected. Immediately, upon completion of the inspection, the Institution plumber was notified of the violation, and within minutes had restored full water pressure to the emergency shower/eye-wash unit.

A check list has been developed to document testing the shower/eye-wash unit. The shower/eye-wash will be checked at least four (4) times per month for proper operation. Attachment # 11.

9. Title 22, Cal. Code Regs., Section 66262.23(a)(1).

San Quentin violate Title 22, Cal. Code Regs., Section 66262.23(a)(1) in that on or about December 13, 1991 Uniform Hazardous Waste manifests were not being completely filled out as follows:

- a. The Board of Equalization Hazardous Waste Tax Account number was not being put in the Item B box on any manifests. During the inspection of December 13, 1991 it was observed that Item B on all of the manifests prepared by San Quentin for shipment of hazardous wastes were either blank or contained the words "Tax Exempt".

RESPONSE

This item has been corrected. Upon further research, it was ascertained and determined that the State Generator's ID number assigned to this Institution is HYH036-009559 and the account number to which the Institution pays taxes.

This number is being placed in Item B box as shown on manifests numbered LA A3076220 (Louisiana), #91634972 and #90802081. Attachment # 12.

- b. The state waste category number was not entered under Item I on manifest numbers 90519937 or 90902314. In addition, the contaminant which made the debris hazardous was not shown on manifest number 90519937.

RESPONSE

The allegation for Item I on manifest number 90902314 is correct, but Item I is entered on manifest number 90519937. The allegation of a "not shown" contaminant on manifest number 90519937 is correct.

The hazardous waste hauling contract #91-02 requires the contractor to complete all labeling, manifesting and packaging for shipment to the disposal site. This has been adjusted to the Institution preparing labels and carefully reviewing manifests provided by the contractor, with attention being paid to all required items being correctly marked. This will preclude possible violations of this sort.

10. Title 22, Cal. Code Regs., Section 66262.11 and 66260.200(c).

San Quentin violated Title 22, Cal. Code Regs., Section 66262.11 and 66262.200(c) [sic] in that on or about October 7, 1991 they incorrectly classified a hazardous waste on Uniform Hazardous Waste Manifest 90519937.

During the inspection of December 20, 1991, it was observed that the contaminated debris shipped on manifest 90519937 was classified as non-RCRA. Mr. Hohmann stated that the waste was generated by the clean-up of a lacquer thinner spill. Waste lacquer thinner should be classified as a RCRA F003 waste, thus the contaminated debris would also be F003 waste.

RESPONSE

The manifest in question was transported from San Quentin on October 7, 1991. Because of the two month time-span between transport/disposal and the inspection by Mr. Younts, facts became confused. The material is **NOT** waste lacquer thinner as Mr. Hohmann had stated. The actual material was crushed empty containers that had held a coal-tar epoxy material and used protective clothing along with wood and plastic debris. These materials were used in the painting and waterproofing of water tanks mounted on fire department apparatus. The protective clothing had been worn by the painters during this work. Thus, the material was rightfully listed as non-RCRA and California waste code numbered 513 and 352. A copy of the manifest and a copy of the profile sheet are attached. Attachment # 13.

11. Title 22, Cal. Code Regs., Section 66268.7(a).

San Quentin violated Title 22, Cal. Code Regs., Section 66268.7(a) in that on or about October 7, 1991 they shipped a hazardous waste subject to land disposal restrictions on Uniform Hazardous Waste Manifest 90519937 without the required notification or certification.

During the inspection of December 20, 1991, no land disposal restriction notification or certification for the waste shipped on manifest 90519937 could not be supplied. Mr. Hohmann stated that he was not aware of a notification or certification being sent with manifest 90519937. Based on Mr. Hohmann's statement that the waste was the result the [sic] clean-up of a lacquer thinner spill, the waste should have been classified as F003, a land disposal restriction notification or certification was required.

RESPONSE

This item has been corrected. The land disposal restriction notification was not present at the time of inspection. It did, however, come in the mail shortly thereafter and is attached to this report. Attachment # 14.

As stated in the response to violation 10, the waste was not an F003 waste. It was a California waste numbered 513 and 352.